

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA

v.

BABATOPE JOSEPH ADERINOYE

§  
§  
§  
§  
§  
§  
§

(SEALED)

NO. 4:19CR

Judge

252

Mazzant

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Introductory Allegations



At all times material to this Indictment:

1. Bank of America, ("BOA"), JP Morgan Chase Bank ("Chase"), Capital One Bank ("Capital One"), Woodforest Bank ("Woodforest"), BBVA Compass Bank ("BBVA"), and Wells Fargo Bank ("Wells Fargo"), (collectively "Financial Institutions"), were financial institutions insured by the Federal Deposit Insurance Corporation ("FDIC") at the time of the alleged offenses and acts in this Indictment.
2. A "means of identification" was any name or number that could be used, alone or in conjunction with any other information, to identify a specific individual, including a name, social security number, and date of birth.
3. Victims alleged herein (hereinafter, collectively referred to as "**Victims**") were individuals known to the Grand Jury, who were either victimized by the conspiracy

to commit wire fraud or the actual acts of wire fraud, as detailed in Counts Two through Six of this Indictment.

**Count One**

Violation: 18 U.S.C. § 1349  
(Conspiracy to Commit Bank Fraud)

**A. The Conspiracy**

4. Beginning on or about August 2018, the exact date of which being unknown to the Grand Jury, and continuing thereafter up until the filing of this Indictment, in the Eastern District of Texas and elsewhere, **BABATOPE JOSEPH ADERINOYE (“ADERINOYE”)**, defendant, did intentionally, knowingly, and willfully combine, conspire, and agree with other persons known and unknown to the United States Grand Jury, (hereinafter “co-conspirators”) to devise a scheme and artifice to defraud the Financial Institutions and obtain money, funds, assets, credits, securities and property owned by, or under the custody and control of, the Financial Institutions by means of materially false and fraudulent pretenses and representations, a violation of 18 U.S.C. § 1344(1) and (2); and

**B. Manner and Means of the Conspiracy**

Among the manner and means by which ADERINOYE and his co-conspirators carried out the conspiracy were the following:

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5. ADERINOYE and co-conspirators would create fraudulent passports. The passports would contain ADERINOYE's photograph, but the name of another person. The fraudulent passports would then be used as a form of identification, in order to open bank accounts at the Financial Institutions. ADERINOYE opened several bank accounts in this manner.

6. ADERINOYE would also provide other fraudulent means of identification to the Financial Institutions, including fraudulent utility or cable bills. The bills would contain the name of another person. The name would match the name on the fraudulent passport presented by ADERINOYE and co-conspirators to the Financial Institutions.

7. ADERINOYE and co-conspirators would then conduct financial fraud related schemes, including business email compromise schemes ("BEC"), where they would pose as someone else and send fraudulent emails to targeted independent school districts ("ISDs"), businesses, and other entities or individuals (collectively "Victims"). ADERINOYE and co-conspirators would often pretend to be a representative of a company, business, or contractor that legitimately conducted business with the Victims. These emails would request that the Victims change their current method of payment, and would direct them to wire a specified dollar amount into a new account, which would be one of the fraudulent bank accounts previously opened by ADERINOYE and co-conspirators.

8. If successful, ADERINOYE and co-conspirators would take the fraudulently obtained United States currency (“USC”), and withdraw or transfer it from the fraudulent bank account. This might consist of conducting cash withdrawals directly from the Financial Institution, or transferring the USC via wire to ADERINOYE’s and co-conspirators’ other fraudulent bank accounts, their true name bank accounts, or to foreign accounts, including accounts in Nigeria.

9. ADERIONYE and co-conspirators would also use the fraudulent proceeds to purchase other items, such as vehicles, and would either re-sell the item or keep the item for personal use.

All in violation of 18 U.S.C. § 1349.

**Count Two**

Violation: 18 U.S.C. § 1349  
(Conspiracy to Commit Wire Fraud)

**A. The Conspiracy**

10. Beginning on or about August 2018, the exact date of which being unknown to the Grand Jury, and continuing thereafter up until the filing of this Indictment, in the Eastern District of Texas and elsewhere, **BABATOPE JOSEPH ADERINOYE (“ADERINOYE”)**, defendant, did intentionally, knowingly, and willfully combine, conspire, and agree with other persons known and unknown to the United States Grand Jury (hereinafter “co-conspirators”), to devise a scheme and artifice

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to defraud, and obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice, did knowingly transmit and cause to be transmitted by means of wire communications in interstate commerce, any writings, signs, signals, and sounds, which affected a financial institution, in violation of 18 U.S.C. § 1343; and

**B. Manner and Means of the Conspiracy**

Among the manner and means by which ADERINOYE and his co-conspirators carried out the conspiracy were the following:

11. The manner and means of the conspiracy are described in paragraphs 5-9 of Count One, which are incorporated herein.

All in violation of 18 U.S.C. § 1349.

**Counts Three through Six**

Violation: 18 U.S.C. § 1343  
(Wire Fraud)

12. Beginning on or about October 4, 2018 and continuing through on or about January 9, 2019, in the Eastern District of Texas and elsewhere, **BABATOPE JOSEPH ADERINOYE (“ADERINOYE”)**, defendant, along with persons known and unknown to the United States Grand Jury, aided and abetted by each other, did devise and intend to devise a scheme and artifice to defraud, and obtain money and property by means of

materially false and fraudulent pretenses, representations, and promises, a violation of 18 U.S.C. § 1343.

13. The scheme and artifice to defraud is described in paragraphs 5-9 of Count One, which are incorporated herein.

14. On or about each of the dates set forth below, in the Eastern District of Texas and elsewhere, ADERINOYE, along with persons known and unknown to the United States Grand Jury, aided and abetted by each other, for the purpose of executing and attempting to execute the scheme described above, caused to be transmitted by means of wire communication in interstate commerce the signals and sounds described below for each count, each transmission constituting a separate count, and each affecting a financial institution:

Count	Defendant	Date	Victim	Description
3	<b>Aderinoye</b>	10/4/2018	Professional Financial Investors	Electronic funds transfer of \$352,000.00 from Umpqua Bank account #4866651054 to Chase Bank account #328925711 in the Eastern District of Texas.
4	<b>Aderinoye</b>	10/8/2018	Prime Pipe LLC	Electronic funds transfer of \$100,000.00 from Chase Bank account #232289162 to Wells Fargo Bank account #6073974237 in the Eastern District of Texas.
5	<b>Aderinoye</b>	1/8/2019	Community Independent	Email sent from <a href="mailto:djennings@pogueconstrucitons.us">djennings@pogueconstrucitons.us</a>

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			School District	to <a href="mailto:jo.conthran@communityisd.org">jo.conthran@communityisd.org</a> with the accounts payable department of Community ISD in the Eastern District of Texas, requesting future payments to be made via ACH direct deposit.
6	<b>Aderinoye</b>	1/9/2019	Community Independent School District	Email sent from <a href="mailto:djennings@pogueconstrucitons.us">djennings@pogueconstrucitons.us</a> to <a href="mailto:cothranj@communityisd.org">cothranj@communityisd.org</a> with the accounts payable department of Community ISD in the Eastern District of Texas, instructing future payments to be deposited into Chase Bank account #363031896.

All in violation of 18 U.S.C. § 1343.

### **NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE**

Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, and 18 U.S.C. §

982(a)(2)(A)

As the result of committing the offenses alleged in this Indictment, the defendants shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, and 18 U.S.C. § 982(a)(2)(A) all property, real or personal, that constitutes or is

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derived from proceeds traceable to the aforementioned offense including but not limited to the following:

**Cash Proceeds**

A money judgment in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is property constituting, or derived from, proceeds obtained directly or indirectly, as the result of the offense alleged in this Indictment.

**Substitute Assets**

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants —

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property, including but not limited to all property, both real and personal owned by the defendants.

By virtue of the commission of the offenses alleged in this Indictment, any and all interest the defendants have in the above-described property is vested in and forfeited to the United States.

A TRUE BILL



GRAND JURY FOREPERSON

JOSEPH D. BROWN  
UNITED STATES ATTORNEY



WES WYNNE  
Assistant United States Attorney

10/8/19

Date

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	§	
	§	
BABATOPE JOSEPH ADERINOYE	§	

**NOTICE OF PENALTY**

**Count One**

Violation: 18 U.S.C. § 1349  
(Conspiracy to Commit Bank Fraud)

Penalty: Imprisonment of not more than 30 years, a fine not to exceed \$1,000,000, or both; a term of supervised release of not more than 5 years.

Special Assessment: \$ 100.00

**Count Two**

Violation: 18 U.S.C. § 1349  
(Conspiracy to Commit Wire Fraud)

Penalty: Imprisonment of not more than 20 years, a fine not to exceed \$250,000, or both; a term of supervised release of not more than 3 years.

If it is shown that the violation affected a financial institution, imprisonment of not more than 30 years, a fine not to exceed

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\$1,000,000, or both; a term of supervised release of not more than 5 years.

Special Assessment: \$ 100.00

**Counts Three through Six**

Violation: 18 U.S.C. § 1343  
(Wire Fraud)

Penalty: Imprisonment of not more than 20 years, a fine not to exceed \$250,000, or both; a term of supervised release of not more than 3 years.

If it is shown that the violation affected a financial institution, imprisonment of not more than 30 years, a fine not to exceed \$1,000,000, or both; a term of supervised release of not more than 5 years.

Special Assessment: \$ 100.00